FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAR 1 6 2009

OFFICE OF PETITIONS

In re Application of   :
Toyooka, et al.   : LETTER REGARDING PTA
Application No. 10/534,414   :
Filed: May 11, 2005   :
Atty. Dkt. No.: : 074129-0521   :

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed December 2, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed October 9, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 419 days. Applicants indicate that this adjustment differs from than that determined by applicants. The issue fee was received December 30, 2008.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 404 days.

The application is entitled to an adjustment of 427 days, rather than 442 days, in accordance with 37 CFR 1.703(a)(1) in connection with the mailing of the restriction requirement on September 26, 2007. The adjustment commenced July 27, 2006 and ended September 26, 2007.

The adjustment is properly reduced two days in accordance with 37 CFR 1.704(b) in connection with the response to non-final Office action filed February 25, 2008.

The adjustment is further reduced 21 days in accordance with 37 CFR 1.704(b) in connection with the response to final Office action filed September 19, 2008.
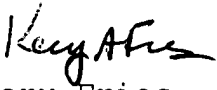
Accordingly, at the time of allowance, the application is entitled to an adjustment of 404 days (adjustments totalling 427 days less reductions totalling 23 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the Alesia M. Brown at (571) 272-3205.

Kery Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
   for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Monday
Date: 3/16/2009

PALM INTRANET

Time: 10:24:56

PTA Calculations for Application: 10/534414

Application Filing Date:	05/11/2005	PTO Delay (PTO):	442
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	23
Post-Issue Petitions:	0	Total PTA (days):	404
PTO Delay Adjustment:	-15		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	03/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		15	
55	10/09/2008	MAIL NOTICE OF ALLOWANCE			
54	10/01/2008	ISSUE REVISION COMPLETED			
53	10/01/2008	DOCUMENT VERIFICATION			
52	10/01/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	10/01/2008	NOTICE OF ALLOWABILITY			
50	09/19/2008	AMENDMENT AFTER FINAL REJECTION		21	39
49	09/19/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
44	10/01/2008	CASE DOCKETED TO EXAMINER IN GAU			
42	09/09/2008	DATE FORWARDED TO EXAMINER			
41	08/29/2008	AMENDMENT AFTER FINAL REJECTION			
40	02/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	32
39	05/29/2008	MAIL FINAL REJECTION (PTOL - 326)			
38	05/27/2008	FINAL REJECTION			
36	02/25/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	02/25/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
34	02/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	03/20/2008	DATE FORWARDED TO EXAMINER			
32	02/25/2008	RESPONSE AFTER NON-FINAL ACTION		2	30
31	02/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	11/23/2007	MAIL NON-FINAL REJECTION			

29	11/21/2007	NON-FINAL REJECTION			
28	05/11/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	02/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	11/10/2007	DATE FORWARDED TO EXAMINER			
23	10/26/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
22	09/26/2007	MAIL RESTRICTION REQUIREMENT	442		-1
21	09/24/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
20	09/19/2007	CASE DOCKETED TO EXAMINER IN GAU			
19	06/19/2007	CASE DOCKETED TO EXAMINER IN GAU			
18	02/23/2007	REFERENCE CAPTURE ON IDS			
17.7	02/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	02/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	02/08/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	02/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	08/30/2005	PRELIMINARY AMENDMENT			
13	06/09/2005	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
12	05/11/2005	PRELIMINARY AMENDMENT			
11.7	05/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	05/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	05/11/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9	12/06/2005	CLEARED BY OIPE CSR			
8	12/06/2005	CLEARED BY OIPE CSR			
7	11/27/2005	CLEARED BY OIPE CSR			
6	11/27/2005	CLEARED BY OIPE CSR			
5	05/26/2005	371 COMPLETION DATE			
4	11/03/2005	APPLICATION DISPATCHED FROM OIPE			
3	11/03/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	06/23/2005	PCT CLASSIFICATION			
1	05/11/2005	INITIAL EXAM TEAM NN			

Search Another: Application# [   ] [Search]

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kouhei TOYOOKA, et al.

Title: ISOINDOLINE DERIVATIVES

Appl. No.: 10/534,414

International 11/25/2003
Filing Date:
371(c) Date: 05/11/2005

Examiner: Noble E. JARRELL

Art Unit: 1624

Conf. No.: 7101

COMMUNICATION REGARDING PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Applicants duty of candor and good faith of the U.S. Patent and Trademark Office, Applicants note that the 440 days of patent term adjustment as indicated on the Notice of Allowance mailed on October 6, 2008, for the above-captioned application disagrees with the Applicants' own calculation of Patent Term Adjustment. It is hereby requested that the Patent Office verify the calculation of the Patent Term Adjustment for the present application.

Respectfully submitted,

Date December 2, 2008 By _Ann E. Summerfield_

FOLEY & LARDNER LLP   Ann E. Summerfield
Customer Number: 22428   Attorney for Applicant
Telephone: (202) 672-5300   Registration No. 47,982
Facsimile: (202) 672-5399

WASH_4926762.1

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*New for **Pocket PC 2003**: **DOYDIFF 2003**.*

From

| July ▼ | 2006 ▲▼ |

S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	**27**	28	29
30	31					

Day of Year: 2006 208 | Today |

To

| September ▼ | 2007 ▲▼ |

S	M	T	W	T	F	S
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16	17	18	19	20	21	22
23	24	25	**26**	27	28	29
30						

Day of Year: 2007 269 | Today |

Differences

DAYS

Enter a number of DAYS (such as 7 or -7) or MONTHS (such as 60 or -60) relative to the "From" Calendar. Press ENTER and the result appears in the "To" Calendar.

426

WHOLE MONTHS

Whole MONTHS difference will compute the maximum valid TO day for the resulting TO Month. For example, 1 Month from Aug 31 will be Sep 30, since Sep has only 30 days.

Type Days or Months value, then press ENTER

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As time always moves forward, the Years, Months, Days breakdown is always computed from the lesser